

REMARKS

Claims 1, 3-12, and 28 are currently pending in this application.

Claims 1 and 3-12 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,740,195 to Lanciano. Claims 1-2, 4-8 and 28 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,623,449 to Paskar.

Reconsideration of the rejections is requested in light of the following remarks.

As to claim 1, the undersigned submits that it is patentable over Lanciano and Paskar at least because both patents fail to disclose or suggest a catheter wall wherein the “hardness of the wall ... decreas[es] in hardness then increas[es] in hardness and then decreas[es] in hardness again when considered from an initial reference point,” as substantially recited in claim 1.

Lanciano is entitled “Drainage Catheter” and regards a catheter to be placed within the body of a patient to facilitate drainage of fluid from the patient. See Lanciano col. 1 at lns. 5-41; col. 2 at lns. 41-54. Paskar is entitled “Catheter With Up-Going And Down-Going Configurations” and regards a transformable catheter system having a sheath and a transformable catheter wherein when axially moving the catheter with respect to the sheath various tip shapes of the catheter may be achieved. See Paskar at Abstract. In neither patent is the hardness of a catheter discussed or addressed. Thus, claim 1 and those dependent from it are patentable over Lanciano and Paskar.

Fig. 1 of Lanciano is informative as to what is disclosed therein. In Fig. 1 a catheter 10 is shown. This catheter includes a tubular cannula 32 that may be inserted into the catheter 10 and a flexible tension member 20 that may be manipulated to cause the distal end of the catheter 10 to curl up onto itself when the tension member 20 is retracted out of the catheter 10. When the catheter 10 is in a curled position it may remain within a patient to provide a drainage channel for fluid. The catheter 10 is placed in its curled position to prevent it from being inadvertently removed from a patient.

The hollow tube 12 of the catheter 10 in Lanciano is illustrated throughout as being made from a single material. See Lanciano Figs. 1 and 2. Likewise, there is no discussion in the text of Lanciano to suggest that other than a single material is employed to make the tube 12 or that the properties of the tube 12 change over its length. By comparison, the recited claim language from claim 1 describes the hardness of the wall of the first catheter as decreasing in hardness and

then increasing in hardness and then decreasing again. Accordingly, as the harness of the catheter 10 in Lanciano is not addressed, Lanciano cannot and does not describe or suggest the recited claim language.

A similar result follows an analysis of Paskar. In Paskar a sheath 33 surrounds an inner catheter 35. As the inner catheter 35 is rotated within the sheath 33 and extended from it various tip shapes may be achieved. See Paskar at Abstract. Nowhere in Paskar is varying the hardness of the outer sheath discussed or addressed. The figures in Paskar corroborate that modifying the hardness of the sheath 33 is not considered as the sheath is illustrated as being made from a single material, a material that does not appear to be modified in any way to change its hardness. Accordingly, as the hardness of the sheath is not contemplated, Paskar cannot and does not describe or suggest the varying hardness in claim 1.

In addition, the claims that depend from claim 1 are patentable over Lanciano and Paskar for other reasons as well. For example, as to claim 6, both these patents fail to disclose or suggest “a cross-linking polymer activated by ultra-violet light.” Likewise, as to claims 7 and 8, both patents fail to disclose or suggest “an outer layer with a first hardness and an inner layer with a second hardness, the second hardness being harder than the first hardness,” as recited therein.

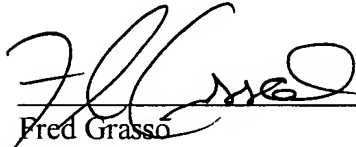
A similar argument applies to claim 28 as well. Claim 28 is patentable over the two cited references as they each fail to disclose or suggest a steerable guide catheter “wherein the steerable guide catheter contains a first layer, a second layer, and a third layer, each layer having a different hardness.”

CONCLUSION

Reconsideration of the rejected claims and consideration of the above remarks is requested. The Examiner is invited to call the undersigned if questions should arise.

Respectfully submitted,

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